



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

mx

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,701	10/29/2003	Patrick D. Yates	YATES #10	5558
7590	09/20/2004		EXAMINER	
THOMAS R. LAMPE Bielen, Lampe & Thoeming 1990 N. California Blvd., Suite 720 Walnut Creek, CA 94596			WONG, STEVEN B	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/695,701	YATES, PATRICK D.
	Examiner	Art Unit
	Steven Wong	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-7, 9, 13 and 14 is/are rejected.
- 7) Claim(s) 8 and 10-12 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Oct 29 2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kepler (4,248,430). Regarding claim 1, Kepler discloses a golf ball engagement and support member comprising a first portion (10) having top, bottom and rear surfaces and a hole (26) for receiving a shaft and a second portion (20, 21) having first and second ball support and engagement arms. The arms define a space smaller than a golf ball (note Figures 1 and 2) that communicates with a cavity. The arms have curved surfaces that are disposed about the cavity and converge at the first portion.

Regarding claim 2, note Figure 1 showing the arms decreasing in height towards their distal ends.

Regarding claim 3, note Figures 1-3 showing the ends of the arms decreasing in width.

Regarding claim 4, note Figures 1 and 2 showing the proximal ends (30, 31) of the arms joining the first portion.

Regarding claim 7, note Figure 2 showing the pointed ends of the arms directed towards each other.

Regarding claim 14, the golf ball engagement and support member of Kepler is of integral construction.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kepler (4,248,430). Note Figure 1 of Kepler showing the bottom surfaces of the first portion and second portion being flat and co-planar.

In the alternative, it would have been obvious to one of ordinary skill in the art to form the first and second portions flat and co-planar in order to provide a smooth surface for sliding the tool over the ground surface.

Claim Rejections - 35 USC § 103

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kepler (4,248,430) in view of Shine (5,692,968). Shine discloses a golf putter including a golf ball retriever. The retriever comprises a pair of arms (33) having upper surface segments and side surface segments that are adjoined at a curved edge. It would have been obvious to one of ordinary skill in the art to curve the edges between the upper surface segments and the side surface segments on the arms of Kepler in order to limit the sharp edges of the golf putter.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kepler (4,248,430) in view of Gunderson (6,497,628). Gunderson discloses a golf club comprising top surface having a plurality of angularly disposed surfaces (13, 25). It would have been obvious to one of ordinary skill in the art to form the top surface of Kepler with a plurality of angularly disposed top surfaces in order to provide desirable toe and heel weighting for the putter head.

Allowable Subject Matter

Claims 8 and 10-12 appear to read over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven Wong
Primary Examiner
Art Unit 3711

SBW
September 16, 2004